

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 661

Introduced by Senator Hill

February 22, 2013

An act to amend Section ~~1747.01~~ 17533.7 of the ~~Civil Business and Professions~~ Code, relating to ~~credit cards~~ advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 661, as amended, Hill. ~~Credit cards.~~ *False advertising.*

Existing law makes it unlawful for any person, firm, corporation, or association to sell, or offer for sale, merchandise that advertises itself as being made or manufactured in the United States when any article, unit, or part of the merchandise has been entirely or substantially made, manufactured, or produced outside of the United States.

This bill would eliminate the requirement that any article, unit, or part of the merchandise also be substantially manufactured in the United States in order for the merchandise to advertise that it is made in the United States. The bill would further provide that any merchandise has been substantially made, manufactured, or produced within the United States if specified requirements are met, including that United States manufacturing costs constitute 75% of the total manufacturing costs for the merchandise and the merchandise was last substantially transformed in the United States.

~~The Song-Beverly Credit Card Act of 1971 expresses the intent of the Legislature that certain provisions of the act that are similar to specified federal provisions essentially conform and be interpreted to conform to those federal provisions.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 17533.7 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~17533.7. (a) It is unlawful for any person, firm, corporation~~
4 ~~or association to sell or offer for sale in this—State state any~~
5 ~~merchandise on which merchandise or on its container there~~
6 ~~appears the words “Made in U.S.A.” U.S.A., ” “Made in America,”~~
7 ~~“U. S.A.,” “U.S.A.,” or similar words when the merchandise—or~~
8 ~~any article, unit, or part thereof, has been entirely or substantially~~
9 ~~made, manufactured, or produced outside of the United States.~~

10 ~~(b) For purposes of this section, any merchandise has been~~
11 ~~substantially made, manufactured, or produced within the United~~
12 ~~States if it meets all of the following requirements:~~

13 ~~(1) United States manufacturing costs constitute 75 percent of~~
14 ~~the total manufacturing costs for the merchandise.~~

15 ~~(2) No more than 25 percent of the total manufacturing costs~~
16 ~~for the merchandise were either incurred outside of the United~~
17 ~~States as a result of the unavailability of raw materials in the~~
18 ~~United States, or incurred as the costs of a component, part, article,~~
19 ~~or unit of the merchandise imported into the United States as a~~
20 ~~result of the unavailability of the same component, part, article,~~
21 ~~or unit of the merchandise from a domestic manufacturer.~~

22 ~~(3) The merchandise was last substantially transformed in the~~
23 ~~United States.~~

24 ~~SECTION 1. Section 1747.01 of the Civil Code is amended~~
25 ~~to read:~~

26 ~~1747.01. It is the intent of the Legislature that the provisions~~
27 ~~of this title as to which there are similar provisions in the federal~~
28 ~~Truth in Lending Act, as amended (15 U.S.C. 1601, et seq.),~~
29 ~~essentially conform, and be interpreted by anyone construing the~~
30 ~~provisions of this title to conform to the Truth in Lending Act and~~
31 ~~any rule, regulation, or interpretation promulgated thereunder by~~
32 ~~the Board of Governors of the Federal Reserve System, and any~~
33 ~~interpretation issued by an official or an employee of the Federal~~
34 ~~Reserve System duly authorized to issue such interpretation.~~

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